

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

TINA M. WELLER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	No. 05-0042-CV-W-FJG
	)	
CASS COUNTY PROSECUTOR'S	)	
OFFICE, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Currently pending before the Court is plaintiff's Motion for Non-Suit (Doc. # 40). Plaintiff requests that her case be dismissed because she cannot continue to pursue the case for economic and personal reasons. However, plaintiff states that she should not be required to pay attorney fees and costs to the defendants because she initiated the suit in good faith with a reasonable belief that the defendants had hired an unqualified individual who was not in the protected class for the position in question.

Defendants respond and state that they do not object to the dismissal of plaintiff's suit with each party to bear their own costs and attorney fees. However, they state that should the matter proceed with further litigation, they would reserve the right to seek an award of costs and attorney fees.

Accordingly, for good cause shown, plaintiff's Motion for Non-Suit is hereby **GRANTED** and plaintiff's case is hereby **DISMISSED** with each party to bear their own costs and attorney fees.

Date: January 6, 2006  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
United States District Judge